

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Jose Quintero,

NO. C 08-05388 JW

Plaintiff,

**ORDER OF DISMISSAL PURSUANT TO
FED. R. CIV. P. 41(b) WITH PREJUDICE**

v.


NDEX West, LLC., et al.,

Defendants.

On December 1, 2008, Plaintiff filed this action. (See Docket Item No. 1.) On March 6, 2009, the Court issued an Order dismissing all of Plaintiff's claims with leave to amend. (See Docket Item No. 19.) The Court ordered Plaintiff to file an Amended Complaint no later than March 16, 2009. The Court warned that failure to file an Amended Complaint within the time permitted would be deemed sufficient grounds for dismissal with prejudice under Fed. R. Civ. P. 41(b). To date, Plaintiff has not filed an Amended Complaint.

Accordingly, Plaintiff's action is DISMISSED with prejudice for lack of prosecution.

Dated: April 7, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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3 Ronald David Roup ron@rouplaw.com

4 Homan Mobasser
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6 13245 Riverside Drive
7 Suite 320
8 Sherman Oaks , CA 91423

9 **Dated: April 7, 2009**

Richard W. Wieking, Clerk

10 **By: /s/ JW Chambers**
11 **Elizabeth Garcia**
12 **Courtroom Deputy**